

9195. Misbranding of Daisy dairy feed. U. S. * * * v. Sutherland Flour Mills Co., a Corporation. Plea of guilty. Fine, \$75 and costs.
(F. & D. No. 12891. I. S. Nos. 7490-r, 10909-r, 11681-r.)

On December 4, 1920, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sutherland Flour Mills Co., a corporation, Cairo, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about February 13, February 19, and March 21, 1919, from the State of Illinois into the States of Texas, Kentucky, and Arkansas, respectively, of quantities of Daisy dairy feed which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

	Texas consign- ment.	Kentucky consign- ment.	Arkansas consign- ment.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Moisture.....	13.18	14.63	17.98
Fat.....	1.65	-----	1.34
Crude fiber.....	16.31	17.04	14.46
Protein.....	8.53	10.30	8.06

The Kentucky consignment consisted of alfalfa, wheat bran, and a few ground weed seeds, with no evidence of the presence of a corn or an oat product. The Arkansas consignment consisted essentially of wheat screenings and alfalfa meal, and contained a small amount of wheat bran and oat hulls, but no corn. All consignments were below the guarantee in protein and fat, and above in crude fiber.

Misbranding of the article was alleged in substance in the information for the reason that the following statements, to wit, "Guaranteed Analysis: Protein 13.25 per cent, Fat 3.50 per cent, Fibre 12.50 per cent," with respect to the Texas and Arkansas consignments, the statement, "Dairy Feed Made from Ground Corn," with respect to the Arkansas consignment, and the statements, "Guaranteed Analysis Protein 13.25 per cent * * * Fiber 12.50 per cent; Made From: * * * Ground Corn * * * (Oat Middlings, Oat Shorts and Oat Hulls) * * *," with respect to the Kentucky consignment, borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading and deceived and misled the purchaser in that they represented that the Texas and Arkansas consignments contained not less than 13.25 per cent of protein and 3.50 per cent of fat, and not more than 12.50 per cent of fiber, that the Arkansas consignment was dairy feed made in part from ground corn, and that the Kentucky consignment contained not less than 13.25 per cent of protein and not more than 12.50 per cent of fiber, and that it contained ground corn, oat middlings, oat shorts, and oat hulls, whereas, in truth and in fact, the Texas and Arkansas consignments contained less protein and fat and more fiber than declared, that is to say, the Texas consignment contained approximately 8.53 per cent of protein, 1.65 per cent of fat, and 16.31 per cent of fiber, and the Arkansas consignment contained approximately 8.06 per cent of protein, 1.34 per cent of fat, and 14.46 per cent of fiber, and contained no ground corn, and the Kentucky consignment contained less than 13.25 per cent of protein and more

than 12.50 per cent of fiber, and said article contained no ground corn, oat middlings, oat shorts, or oat hulls.

On January 4, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

9196. Adulteration and misbranding of wheat shorts. U. S. * * * v. Sutherland Flour Mills Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 13230. I. S. Nos. 11151-r, 16374-r.)

On November 19, 1920, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sutherland Flour Mills Co., a corporation, Cairo, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 25 and 26, 1919, from the State of Illinois into the States of Florida and Mississippi, respectively, of quantities of alleged wheat shorts which were adulterated and misbranded. The article was labeled in part, "Wheat Shorts From Wheat Products And Ground Screenings * * * Manufactured By Sutherland Flour Mills Company, Cairo, Ill."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a mixture of flour, reground wheat bran, and screenings.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, reground bran, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for wheat shorts, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Wheat Shorts," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of wheat shorts, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of wheat shorts, whereas, in truth and in fact, it did not so consist, but did consist in large part of reground bran. Misbranding was alleged for the further reason that the article was a mixture composed in large part of reground bran prepared in imitation of wheat shorts, and was offered for sale and sold under the distinctive name of another article, to wit, wheat shorts.

On January 4, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

9197. Adulteration and misbranding of vinegar. U. S. * * * v. 23½ Dozen Bottles * * * of * * * Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13867. I. S. No. 8658-t. S. No. E-2879.)

On November 18, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 23½ dozen bottles, more or less, of vinegar, at Washington, D. C., alleging that the article had been offered for sale and sold at the District aforesaid by C. W. Davis & Son, Washington, D. C., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Pure Cider Vinegar. Made From The Juice Of Fresh Apples 16 oz. C. W. Davis & Son, Washington, D. C."